

ANNEX III

DEBRIS CLEARANCE (with a federal declaration)

A. PURPOSE

Natural disasters frequently leave debris and wreckage scattered or deposited over a wide area. Debris can impede emergency and recovery operations in addition to imposing health, physical and environmental hazards. Clearance of debris and wreckage represents a major and costly disaster response function. This annex describes federal assistance available to State and political subdivisions, through Public Assistance, for debris clearance in Presidentially declared disasters.

B. CONCEPT OF OPERATIONS

1. State agencies and political subdivisions must remove debris and wreckage which obstructs transportation routes and stream flow or creates other health and safety hazards on public property according to the policies and procedures outlined in the Debris Removal Annex. (Annex CC).
2. In the event of a Presidential declaration, State agencies and affected political subdivisions submit project applications to request Federal reimbursement of expenses incurred in clearing debris caused by the emergency or disaster. Costs to individuals or non-governmental agencies for removing debris from their own property are not generally eligible for reimbursement under the public assistance program. The Public Assistance Annex describes application procedures and funding requirements.
3. Under a declaration FEMA limits assistance to debris clearance necessary to carry out emergency tasks and to restore essential emergency services. The work may be performed by regular government resources, additional hires or by contract. Local firms and individuals should receive preference. Refer to Annex FFFF, Public Assistance for guidance on contracting and procurement procedures.
4. In a major disaster all debris clearance is considered emergency work necessary to eliminate direct threats to life and property or hazards which endanger undamaged public or private property. However, the FEMA III Regional Director may expand the scope of eligible work to include debris removal which is essential to the affected community's economic recovery or which benefits the community as a whole.

5. FEMA may deduct the salvage value of cleared debris and wreckage from the debris clearance costs approved for Federal reimbursement. Insurance proceeds received for debris clearance must be applied to the cost of the clearance project before final acceptance.
6. Applicants normally have 60 days from the date of the president's disaster declaration to submit project applications for debris clearance. Work must begin within 30 days from the date of declaration and be completed within 180 days of the declaration date.
7. All emergency work completed within project deadlines is exempt from Environmental Impact Statements (EIS).
8. An affected political subdivision may request federal agencies accomplish debris clearance when the work is beyond the capability of the political subdivision and the state is unable to perform or contract for the required work.
9. The affected political subdivision requests assistance in the form of a resolution passed by the governing body, following the declaration of a local state of emergency.
10. The applicant has 30 days from the declaration date of an emergency, and 30 days from the declaration date of a ~~major disaster~~ to submit a request to the FEMA III Regional Director through the State Coordinating Officer. The request must also:
 - a. Explain why the State or political subdivision cannot perform the necessary work;
 - b. Assure compliance with all relevant conditions for Federal assistance under PL 93-288 and the terms of the FEMA-State Agreement.
11. The applicant must provide at its own expense, all lands, easements, and rights-of-way necessary to carry out the approved work.
12. Federal law requires the State and political subdivision to hold harmless the federal government free from damages resulting from the approved work. When debris clearance by Federal agencies is requested, the State and political subdivision are required to indemnify the Federal government against any claim arising from their removal of debris. These acts are forbidden in the West Virginia Code, but may be accomplished under the governor's emergency powers (West Virginia Code, Chapter 15, Article 5, Section 6).

C. TASK ASSIGNMENT

Local

1. Political subdivisions of the state have the primary responsibility for the clearance of debris following and emergency or disaster.
2. Private contractors and city public works departments will be used before state resources are requested.
3. Local law enforcement organizations (sheriff and city police) should assist in providing for a law enforcement presence as needed. This includes a presence at temporary dumps and/or on other private property as needed to prevent pilfering and looting.

State

1. The State Coordinating Officer (SCO) is responsible for:
 - a. Cooperating with the Federal Coordinating Officer (FCO) to arrange briefings for State and local officials to inform them about available public assistance;
 - b. Relaying local requests for direct Federal assistance to the FEMA III Regional Director;
 - c. Insuring that benefits provided under PL 93-288 to individuals, businesses and government entities are not duplicated.
2. The Governor's Authorized Representative (GAR) approves written requests to FEMA Regional III Director to assign Federal agencies to assist in debris clearance.
3. The Public Assistance Officer may serve as the Governor's Authorized Representative. When these positions are independent, the Public Assistance Officer has the following responsibilities:
 - a. Schedule Federal-State Preliminary Damage Assessment (PDA) teams with the applicant's local representatives;

- b. Assist in the preparation of project applications for political subdivisions, eligible private non-profit facilities and State agencies, making sure that the project application meets all requirements of the FEMA-State Agreement and other established terms; assist applicants with appeals to the FEMA III Regional Director.
- 4. The Division of Highways has primary responsibility for:
 - a. Removing debris from the Federal and State highways systems, only when authorized and directed by the Governor to go beyond their right-of-way, the Division of Highways clears debris and wreckage from local public and private property;
 - b. Securing from private citizens and local organizations authorizations which indemnify the State from claims arising from debris clearance on local public and private property when the Governor directs the Division of Highways to accomplish debris removal off their right-of-way;
 - c. Determining, in conjunction with local officials, debris clearance priorities;
- 5. The Division of Natural Resources/Public Land Corporation and the Division of Environmental Protection issues permits for stream disturbances and wildlife reviews for environmental issues.
- 6. The Department of Health and Human Resources advises on health hazards arising from debris and assists with condemnation procedures.
- 7. The Department of Agriculture provides technical assistance on debris clearance of farmlands, crops and livestock upon request.
- 8. The Adjutant General provides supplies manpower and equipment for debris removal when the National Guard is activated by the Governor.
- 9. The West Virginia Soil Conservation Agency (WVSCA) clears debris from streams and waterways of the State. If a Federal disaster is declared, the WVSCA works in concert with any federal funding agency such as the USDA, Natural Resources Conservation Service or FEMA regarding such debris removal. The WVSCA works through the State's Soil Conservation Districts or contracts as necessary to accomplish stream debris removal.
- 10. The Division of Environmental Protection works with local landfill to obtain waivers of "tipping fees" and extending operational hours and tonnage.

11. The State Fire Marshal's Office has the responsibility for condemning destroyed structures.
12. The WV Parkways Economic Development and Tourism Authority provides manpower and equipment for the transport of debris to landfills when needed.

Federal

1. The U.S. Army Corps of Engineers is responsible for the removal of debris from the navigable rivers and from the lock and dam system to avoid future problems.
2. The U.S. Coast Guard governs commercial traffic along navigable waterways.
3. The Federal Highway Authority is initially responsible for emergency right-of-way.

D. AUTHORITIES AND REFERENCES

1. West Virginia Code, Chapter 15, Article 5, as amended
2. West Virginia Code, Chapter 17, Article 2A, Section 8, as amended
3. West Virginia Code, Chapter 20, Articles 5 and 5A, as amended
4. West Virginia Code, Chapter 21, Article 15, as amended
5. West Virginia Code, Chapter 29, Article 3, as amended
6. West Virginia Division of Highways Emergency Procedures
7. PL 93-288, Section 305, as amended
8. Code of Federal Regulations, Title 44, Part 206.224, Debris Removal
9. FEMA Handbook DR and R-1, Federal Disaster Assistance Program, Handbook for Applicants
10. FEMA Handbook DR and R-2, Federal Disaster Assistance Program, Eligibility Handbook
11. FEMA Handbook DR and R-1, Digest of Federal Disaster Assistance Programs 2nd Edition Oct. 1979